



**PRESENT:**

Mr. Russell J. Gulley, Chairman  
Mr. F. Wayne Bass  
Mr. Sam R. Hassen  
Mr. Reuben J. Waller, Jr.  
Mr. Kirkland A. Turner, Secretary to the Commission, Planning Director

**ABSENT:**

Dr. William P. Brown, Vice Chairman

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Plans  
And Information Section, Planning Department  
Ms. Beverly F. Rogers, Assistant Director,  
Zoning and Special Projects Section, Planning Department  
Mr. Michael E. Tompkins, Assistant Director,  
Development Review Section, Planning Department  
Mr. Gregory E. Allen, Planning Administrator,  
Development Review Section, Planning Department  
Mr. Ted Barclay, Supervisor Code Compliance,  
Planning Department  
Mr. Robert Clay, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Karen Crenshaw, Planning and Special Projects Coordinator,  
Zoning and Special Projects Section, Planning Department  
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,  
Zoning and Special Projects Section, Planning Department  
Mr. Jeff Dopp, Senior Planner,  
Development Review Section, Planning Department  
Mr. Joseph E. Feest, Planning Administrator,  
Development Review Section, Planning Department  
Ms. Pamela Nichols, Clerk to the Commission,  
Zoning and Special Projects Section, Planning Department  
Ms. Darla W. Orr, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Jane Peterson, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Amy Somervell, Senior Planner,  
Development Review Section, Planning Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office

Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office  
Mr. R. John McCracken, Director,  
Transportation Department  
Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office  
Mr. Bobby Daniel, Microcomputer Analyst,  
Information Systems Technology Department  
Mr. Bill Wright, Assistant Director – Engineer  
Utilities Department

## **ASSEMBLY AND WORK SESSION**

Messrs. Gulley, Bass, Hassen, Waller and staff assembled at 3:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for a work session.

### **I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.**

Mr. Turner apprised the Commission that staff requested amendments to the agenda to include adding a new Item XII, Discussion of Communications Tower Policy. On motion of Mr. Waller, seconded by Mr. Bass, the Commission amended the agenda as follows:

- I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.
- II. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review Day's Agenda. (Any items listed for the 6:30 p.m. Sessions.)
- IV. Approval of the Planning Commission Minutes:  
January 20, 2009, Planning Commission Minutes.📄
- V. Work Program – Review and Update.📄
- VI. Proposed Code Amendment Relative to “Open Space” in the *Upper Swift Creek Watershed*.📄
- VII. Proposed Code Amendment Relative to Vehicle Parking in Front Yards in Residential Districts.📄
- VIII. Proposed Code Amendment Relative to Fee Adjustments for Conditional Uses.📄
- IX. Proposed Code Amendment Relative to Fee Adjustments for Non-Profit Organizations.📄
- X. Proposed Code Amendment Relative to Alternative Residential Energy.📄
- XI. Proposed Code Amendment to Exclude Roomers from Definition of Family.📄
- XII. Discussion of Communications Tower Policy.
- XIII. Recess.

AYES: Messrs. Gulley, Bass, Hassen and Waller.  
ABSENT: Dr. Brown.

### **II. REVIEW UPCOMING AGENDAS.**

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of March, April and May 2009.

### III. REVIEW DAY'S AGENDA.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:30 p.m. Public Meeting and Hearing.

### IV. APPROVAL OF THE PLANNING COMMISSION MINUTES:

- JANUARY 20, 2009, PLANNING COMMISSION MINUTES.  
    📎 [JANUARY 20, 2009 DRAFT MINUTES](#)

Mr. Gulley noted that on page eighteen (18), Mr. Steve Burton's name should be corrected to read Dr. Steve Burton.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission resolved to approve the January 20, 2009, Planning Commission minutes as amended.

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

### V. WORK PROGRAM - REVIEW AND UPDATE.   📎 [02-01-09 CPC WORK PROGRAM FINAL](#)

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the February 2009 Work Program as presented.

### VI. PROPOSED CODE AMENDMENT RELATIVE TO "OPEN SPACE" IN THE UPPER SWIFT CREEK WATERSHED.   📎 [PROPOSED CODE AMENDMENT RELATIVE TO OPEN SPACE IN THE UPPER SWIFT CREEK WATERSHED](#)

Mr. McElfish noted staff's concerns relative to the proposed code amendment and asked the Commission to consider removing this item from their agenda indefinitely.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission tabled discussions indefinitely on the Proposed Code Amendment Relative to "Open Space" in the *Upper Swift Creek* Watershed.

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

### VII. PROPOSED CODE AMENDMENT RELATIVE TO VEHICLE PARKING IN FRONT YARDS IN RESIDENTIAL DISTRICTS.   📎 [PROPOSED CODE AMENDMENT RELATIVE TO VEHICLE PARKING IN FRONT YARDS IN RESIDENTIAL DISTRICTS](#)

Mr. Turner apprised the Commission of staff's request to defer this item for sixty (60) days to the May 19, 2009, work session.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to defer discussion on this item to the May 19, 2009, work session.

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

### VIII. PROPOSED CODE AMENDMENT RELATIVE TO FEE ADJUSTMENTS FOR CONDITIONAL USES.

☞ **FEE ADJUSTMENTS FOR CONDITIONAL USES AND POTENTIAL OF WAIVING FEE FOR NONPROFITS**

Mr. Turner apprised the Commission of the Board of Supervisors directive to schedule a public hearing to consider reducing the base fee for all Conditional Use applications to \$1000 and to return a recommendation no later than April 21, 2009; and noted staff's concern that reductions in all Conditional Use applications fee could circumvent the zoning process.

In response to a question from Mr. Gulley, Mr. Turner stated that staff presented the Proposed Fee Adjustments for all Conditional Use applications fees based on the Board of Supervisors' directive.

The Commission expressed disapproval of a base fee reduction for all Conditional Use applications and held discussions relative to adopting the base fee that was in effect prior to the fee increase.

The Commission agreed to schedule another work session for March 17, 2009 and to set a public hearing for April 21, 2009; and directed staff to provide a copy of the pre July 2008 conditional use fee schedule for the March 17, 2009 work session.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission resolved to schedule an additional work session for March 19, 2009; and set a public hearing for the Proposed Fee Adjustment Relative to Fee Adjustments for Conditional Uses for April 21, 2009.

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

**IX. PROPOSED CODE AMENDMENT RELATIVE TO FEE ADJUSTMENTS FOR NON-PROFIT ORGANIZATIONS.**

☞ **PROPOSED FEE ADJUSTMENTS FOR CONDITIONAL USES AND POTENTIAL OF WAIVING FEE FOR NONPROFITS**

Mr. David Robinson apprised the Commission that a fee exemption based solely on the identity of the applicant is impermissible in the zoning context.

The Commission held a brief discussion on waiving fees and directed staff to examine draft language that would pertain to a particular use rather than identity of the applicant for the March 17, 2009 work session.

**X. PROPOSED CODE AMENDMENT RELATIVE TO ALTERNATIVE RESIDENTIAL ENERGY.**

☞ **PROPOSED CODE AMENDMENT RELATIVE TO ALTERNATIVE RESIDENTIAL ENERGY**

Mr. Joe Feest gave a presentation on residential wind energy systems (RWES) relative to the types and sizes; and information regarding other state financial incentives and programs for residential wind energy.

Mr. Kohnen responded to questions from Mr. Bass relative to the cost associated with the equipment and installation.

Mr. Bass commented that the number of inquiries for alternative energy had increased and therefore, the need for a draft Ordinance was of great importance.

The Commission discussed concerns relative to size, acreage, cost, effectiveness, height, liability, removal and use; and directed staff to prepare draft language that would incorporate the concerns voiced by the Commission for the May 19, 2009 work session.

On motion of Mr. Bass, seconded by Mr. Waller, the Commission resolved to continue discussion relative to Alternative Residential Energy at the May 19, 2009 work session.

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

**XI. PROPOSED CODE AMENDMENT TO EXCLUDE ROOMERS FROM DEFINITION OF FAMILY.**

**PROPOSED CODE AMENDEMENT TO EXCLUDE ROOMERS FROM DEFINITION OF FAMILY**

Mr. Ted Barclay presented information relative to the proposed amendment that would delete "roomers" from the definition of family, thereby prohibiting roomers in single-family dwellings and noted that intent of the amendment was to maintain the integrity of single-family neighborhoods.

Ms. Jo Trout, Member of Surreywood Civic Association, spoke in favor of the code amendment and addressed the Commission with her concerns of decreased property values, blight, trash, safety, and the need for regulations governing the maximum amount of individuals living in a single family dwelling to preserve subdivision character.

In response to Ms. Trout concerns relating to a particular property within the Surrywood Subdivision, Mr. Barclay noted that the occupants of the complaint property were in compliance with the County's Ordinance as it relates to the definition of a family.

The Commission directed staff to draft and present an amendment to the proposed Ordinance that would address the number of individuals allowed in a single family residence for the April 21, 2009 work session.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to continue discussion at the April 19, 2009 work session.

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

**XII. DISCUSSION OF COMMUNICATIONS TOWER POLICY.**

Ms. Rogers addressed Mr. Waller's questions relative to the operation of the County's emergency communications system independent of the cellular industry; location of cellular towers throughout the County; specifics of the Communications Tower Policy; and possible modifications to the current policy.

The Commission directed staff to prepare a map that would show the location of cellular towers throughout the County and to present it at the April 21, 2009 work session.

**XIII. RECESS.**

There being no further business, the Commission recessed at 5:13 p.m., agreeing to immediately meet in the Public Meeting Room (Executive Session Room) at the Administration Building Complex for the dinner.

During dinner, there was general discussion regarding pending cases.

## 6:30 P. M. PUBLIC MEETING AND HEARING

### I. INVOCATION.

Mr. Waller presented the invocation.

### II. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

Mr. Hassen led the Pledge of Allegiance to the Flag.

Mr. Bass gave personal comments and thanked everyone for their support during his bereavement.

### III. REVIEW UPCOMING AGENDAS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months.

### IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

### V. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

### VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters at this time.

### VII. PUBLIC HEARING.

#### • REQUEST FOR WITHDRAWAL/DEFERRALS.

- C. **08SN0218\***: In Bermuda Magisterial District, **CHESTNUT LLC** withdrew requests for rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 21.9 acres fronting approximately 250 feet on the east line of North Enon Church Road, approximately 480 feet north of East Hundred Road also fronting approximately 400 feet on the west line of Burgess Road, approximately 400 feet northeast of East Hundred Road. Tax ID 824-647-Parts of 5620 and 9569.

[08SN0218 - STAFF ANALYSIS](#)

Mr. Turner indicated the applicant had withdrawn the request.

The Commission acknowledged the withdrawal of Case 08SN0218.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission acknowledged the withdrawal of Case 08SN0218.

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

- **CASES WHERE THE APPLICANTS ACCEPT THE RECOMMENDATION AND THERE IS NOT PUBLIC OPPOSITION.**

- A. **09SN0146:** In Bermuda Magisterial District, **ANIL PATEL DSRA, LLC** requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) on 13.4 acres fronting approximately 800 feet on the east line of Briggs Road across from Weir Road. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial uses. Tax IDs 800-652-1292 and 4578; 800-653-2911 and Part of 4668; and 800-654-Parts of 2613 and 5211. [09SN0146-STAFF ANALYSIS](#)

Mr. Derrick Johnson, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 09SN0146 and acceptance of the following proffered conditions:

**PROFFERED CONDITIONS**

The applicant does hereby voluntarily proffer, as the owner of record of the property (the "Property") consisting of parcels 800-652-1292, 800-652-4578, 800-653-2911, 800-654 part of 5211, 800-653 part of 4668, 800-654 part of 2613, which is the subject of this rezoning request, that the development of the Property shall be in strict accordance with the following conditions set forth in this submission:

1. Except for timbering approved by the Virginia Division of Forestry for the purposes of removing dead and diseased trees, there shall be no timbering on the property until a Land Disturbance Permit has been obtained from the Department of Environmental Engineering and the approved devices have been installed. (EE)
2. The public water and wastewater systems shall be used. (U)
3. If vehicular access is provided from the Property to the adjacent properties to the north, such access shall be limited. The access shall be designed and constructed to allow traffic to only travel south from those adjacent properties through the subject Property, and shall preclude traffic from traveling north from the subject Property to those adjacent properties. (T)
4. Prior to any site plan approval, a sixty (60) foot wide right-of-way from Briggs Road to the adjacent parcels (Tax Ids 800-652-7076 and 800-650-2167) to the east and south shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The location of this right-of-way shall be as generally depicted on the sketch entitled "Schematic Plan of Proposed R/W Dedication" dated 1-15-09, and labeled as "Public Access Road Extension". The exact location of this right-of-way shall be approved by the Transportation Department. (T)
5. The developer shall be responsible for the following road improvements. The exact design and length of these improvements shall be approved by the Transportation Department:

- a. Construction of additional pavement along the westbound lanes of Weir Road at its intersection with Jefferson Davis Highway (Route 1) to provide a separate left-turn lane.
- b. Construction of additional pavement along the northbound lanes of Route 1 at its intersection with Weir Road to provide a separate right-turn lane.
- c. Full cost of traffic signalization modifications at the Weir Road/Route 1 intersection to accommodate the required road improvements.
- d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the road improvements.

These road improvements shall be constructed as follows: 1) prior to the issuance of any occupancy permits, the road improvements identified in Proffered Condition 5.a, c and d shall be completed; and 2) prior to issuance of occupancy permits for a cumulative total of more than 200 hotel rooms and 75,000 square feet of general office, or equivalent traffic generation as determined by the Transportation Department, the road improvements identified in Proffered Condition 5.b, c and d shall also be completed. (T)

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

- B. 09SN0153:** In Bermuda Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** proposes Conditional Use Planned Development and amendment of zoning district map to permit a height exception for a church steeple in a Residential (R-7) District on 4 acres located in the northeast quadrant of West Hundred and Osborne Roads. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use and residential use of 2.5 dwellings per acre or less. Tax IDs 793-656-7618 and 8532; and 794-656-0123 and 0200. [09SN0153-STAFF ANALYSIS](#)

Mr. Kirk Turner, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the floor for public comments.

Mr. Brennan Keene thanked the Commission and staff for their cooperation on this case.

There being no one else to speak, Mr. Gulley closed the public hearing.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 09SN0153 subject to the following condition:

**CONDITION**

With the approval of this request, a thirty (30) foot exception shall be granted to the maximum fifty (50) foot height limitation for church steeples. (P)

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

- D. 08SN0267\*:** (Amended) In Bermuda Magisterial District, **GERALD R. AND JANET P. WHITE** request rezoning and amendment of zoning district map from Community Business (C-3) to General



Business (C-5) of 4.5 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on that tract plus an existing zoned Community Business (C-3) tract totaling 8.4 acres located in the southwest quadrant of Milhorn Street and Jefferson Davis Highway. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. Tax IDs 800-634-0291; and 800-635-0399, 0431, 0545, 0561, 0676 and 1091; and 800-636-0013, 0613, 1008 and 1019. [08SN0267-STAFF ANALYSIS](#)

The Commission agreed that a presentation from staff was not necessary.

Neither the applicant nor the applicant's representative was present; therefore the Commission agreed to defer this case to the March 17, 2009 public hearing.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at Mr. Hassen's request because of the absence of the applicant and the applicant's representative.

On motion of Mr. Hassen, seconded by Mr. Waller, the Commission, on their own motion, resolved to defer Case 08SN0267 to the March 17, 2009, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

#### **VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.**

There were no public comments on unscheduled matters at this time.

#### **IX. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Hassen, seconded by Mr. Bass that the meeting adjourned at 6:41 p.m. to March 17, 2009, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gulley, Bass, Hassen and Waller.

ABSENT: Dr. Brown.

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Chairman/Date

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Secretary/Date